

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Alliance Communications Partners, L.P.)	File Number EB-02-OR-239
)	
Owner of Antenna Structure No. 1039474 near)	NAL/Acct.No. 200232620011
Paragould, Arkansas.)	
)	
)	FRN 0005-7978-99
Denver, Colorado)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: September 27, 2002

By the Enforcement Bureau, New Orleans Office:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find Alliance Communications Partners, L.P. (“Alliance”), owner of antenna structure number 1039474, apparently liable for a forfeiture in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.57 of the Commission’s Rules (“Rules”).¹ Specifically, we find Alliance apparently liable for failing to notify the Commission using FCC Form 854 of a change in antenna structure ownership.

II. BACKGROUND

2. On July 31, 2002, an agent from the FCC Enforcement Bureau’s New Orleans Field Office inspected antenna structure number 1039474 near Paragould, Arkansas, and observed that the Antenna Structure Registration number was not posted anywhere near the base of the structure.

3. On August 12, 2002, a search of the Commission’s records showed that this structure was registered and owned by the Paragould Light and Water Commission. The Paragould Light and Water Commission acknowledged previous ownership of the structure, but stated that the tower had been sold to Alliance in 2001.

4. On August 12, 2002, Alliance confirmed ownership of the antenna structure located near Paragould, Arkansas. Alliance produced a sales agreement dated May 1, 2001 transferring ownership of the structure from the Paragould Light and Water Commission to Alliance.

¹ 47 C.F.R. §17.57.

III. DISCUSSION

5. Section 17.57 of the Rules requires that the owner of an antenna structure immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information. Even though Alliance acquired the structure on May 1, 2001, as of August 12, 2002, the antenna structure was still registered to the Paragould Light and Water Commission.

6. Based on the evidence before us, we find that Alliance willfully² and repeatedly³ violated Section 17.57 of the Rules by failing to change the antenna structure ownership information.

7. Pursuant to Section 1.80(b)(4) of the Rules,⁴ the base forfeiture amount for failure to notify the Commission of a change in antenna structure ownership is \$3,000 (failure to file the required forms or information). In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended (“Act”), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.”⁵ Considering the entire record and applying the factors listed above, this case warrants a \$3,000 forfeiture.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁶ and Sections 0.111, 0.311 and 1.80 of the Rules,⁷ Alliance Communications Partners, L.P. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.57 of the Rules by failing to notify the Commission of a

² Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful,’ when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act” See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

³ Section 312(f)(2) of the Act, 47 U.S.C. § 312(f)(2), which applies equally to Section 503(b) of the Act, provides that “[t]he term ‘repeated,’ when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.”

⁴ 47 C.F.R. § 1.80(b)(4).

⁵ 47 U.S.C. § 503 (b)(2)(D).

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80.

change in the antenna tower structure ownership.

9. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this *NAL*, Alliance Communications Partners, L.P. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

10. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the *NAL*/Acct. No. and FRN referenced above. Request for payment of the full amount of this *NAL* under an installment plan should be sent to: Chief, Revenue and Receivable Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁸

11. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division, and MUST INCLUDE THE *NAL*/Acct. No. referenced above.

12. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

13. IT IS FURTHER ORDERED THAT a copy of this *NAL* shall be sent by regular mail and Certified Mail Return Receipt Requested to Alliance Communications Partners, L.P., 360 South Monroe Street, Denver, CO 80209.

FEDERAL COMMUNICATIONS COMMISSION

James C. Hawkins
District Director, New Orleans Office
Enforcement Bureau

⁸ See 47 C.F.R. § 1.1914.